

**CWP-10593-2019****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****Sr. No.103****CWP-10593-2019 (O&M)
Date of decision: 26.11.2024**

Jai Parkash Sharma and others

....Petitioners

Versus

The State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Sandeep Thakan, Advocate, for the petitioners.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

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DEEPAK SIBAL, J. (Oral)

1. Though the present petition had been filed seeking therein several reliefs, at the time of hearing, learned counsel for the petitioners restricts his claim to the benefits sought by the petitioners under the Haryana Civil Services (Revised Pension) Part-II Rules, 2009 (for short – 2009 Rules) and gives up his claim made by him under the amendment of the State made to 2009 Rules through notification dated 25.08.2014.

2. Once the petitioners have restricted their claim as above, learned counsel for the parties are *ad idem* that the petitioners' restricted claim is covered in their favour in terms of the following observations in the judgment dated 19.07.2024 rendered by a Full Bench of this Court in a bunch of petitions in which the lead case was **CWP-17310-2015 – Shamsher Singh and others vs. State of Haryana and others:-**

“41. Consequently, Rule 8(3) of Part-II Rules, 2009 is held to be violative of Articles 14 and 16 of the Constitution of India and is accordingly struck down. All the



CWP-10593-2019

-2-

employees who were in service as on 01.01.2006, will be entitled for the benefit of Part-II Rules, 2009 notified on 17.04.2009 irrespective of the fact whether they retired before the Notification dated 17.04.2009 or thereafter.”

3. In the light of the above consensus arrived at between learned counsel for the parties, in terms of the law laid down by this Court in **Shamsher Singh's case (supra)**, the petitioners are held entitled but only to the benefits under the unamended 2009 Rules, with all consequential benefits. However, the arrears are restricted to 38 months prior to the filing of this petition.
4. Since the claim in the present petition pertains to the grant of pension, the State is directed to comply with the directions given through this order within three months.
5. The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

November 26, 2024
Jyoti 1

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No